



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DARBY & DARBY PC
PO BOX 5257
NEW YORK NY 10150-5257

COPY MAILED

JUL 26 2004

OFFICE OF PETITIONS

In re Application of :
Timothy L. Blankenship, Sijian Chen: :
Application No. 10/724,028 :
Filed: November 26, 2003 : DECISION ACCORDING STATUS
Attorney Docket No. 08211/0200253 : UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed June 25, 2004.

The petition under 37 CFR 1.47(a) is GRANTED.

The above-identified application was filed on November 26, 2003, without a fully executed oath or declaration. Accordingly, on February 27, 2004, the Initial Patent Examination Division mailed a "Notice to File Missing Parts of Nonprovisional Application", requiring, *inter alia*, a fully executed oath or declaration as well as the surcharge for its late filing. This notice set a shortened statutory period for reply of two months.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an

acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

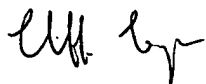
On petition, Rule 47 applicant has included an e-mail from inventor Sijian Chen dated March 28, 2004, in which Chen evidences his constructive refusal to sign the application papers. Shortly thereafter, Chen was not able to be located when copies of the application papers were forwarded to his last known address.

On petition, Rule 47 applicant has satisfied the requirements of 37 CFR 1.47(a). The declaration submitted has been determined to be in compliance with 37 CFR 1.63. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Group Art Unit 2819 for docketing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions